## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

SUSAN M. THOMPSON,	)
Plaintiff,	)
<b>v.</b>	) No. 3:09-CV-468 ) (Phillips/Shirley)
MICHAEL J. ASTRUE,	) (1
COMMISSIONER OF SOCIAL SECURITY,	)
	)
Defendant.	)

## **MEMORANDUM AND OPINION**

This Social Security appeal is before the Court on the Report and Recommendation ("R&R") filed by United States Magistrate Judge H. Bruce Guyton [Doc. 21]. There have been no timely objections to the R&R [Doc. 21], and enough time has passed since the filing of the R&R [Doc. 21] to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

After a careful review of this matter, the Court is in complete agreement with the magistrate judge's conclusion that the Commissioner's Motion for Summary Judgment [Doc. 18] be **DENIED**, and that Plaintiff's Motion for Judgment on the Pleadings [Doc. 11] be **GRANTED**, to the extent that this case is remanded consistent with the R&R [Doc. 21]. Accordingly, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 21] under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b).

It is **ORDERED**, for the reasons stated in the R&R [Doc. 21], which the Court adopts and incorporates into its ruling, that the Commissioner's Motion for Summary Judgment [Doc. 18] is **DENIED**, and that Plaintiff's Motion for Judgment on the Pleadings [Doc. 11] is **GRANTED** to the

extent that this case is remanded.

**ENTER:** 

s/ Thomas W. Phillips
United States District Judge